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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,235	07/24/2001	Luciano Pasquale Agostino Nocera	EYEM1260-1	5615

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EXAMINER

MCCARTNEY, LINZY T

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 07/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,235

Applicant(s)

AGOSTINO NOCERA ET AL.

Examiner

Linzy McCartney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al., "Model Based Face Reconstruction For Animation" in view of Wiskott et al., "Face Recognition by Elastic Bunch Graph Matching".

- a. Referring to claim 1, Lee discloses providing a neutral-face front head image and a side head image for generating an avatar ("...the face is in neutral expression..." – page 5, paragraph 1; Fig 1.); automatically positioning nodes at feature locations on the front head image and the side head image ("...provide automatic feature points extraction method...we consider...points such as eyes, nose, lip eyebrows and ears as feature points..." – page 6, paragraph 1; Fig. 1); manually reviewing and correcting the node positions to remove artifacts and minimize distorted features in the avatar generated based on the node positions ("...interface for interactive correction if and when needed..." – page 6, paragraph 1; Fig. 1). Lee does not explicitly disclose automatically finding head feature locations on the front head image and the side head image using elastic bunch graph matching. Wiskott discloses automatically finding head feature locations on a front head image and a side head image using elastic bunch graph matching ("graph...representing a face consists of nodes...the nodes are located at facial

landmarks...graphs for new images can be generated automatically by elastic bunch graph matching...” – page 130, column 1, full paragraph 2; page 131, column 1; Fig. 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Lee by automatically finding head feature locations using elastic bunch graph matching. The suggestion/motivation for doing so would have been because using elastic bunch graph matching requires a general representation rather than models of individual faces (Wiskott, page 130, column 1, third full paragraph – column 2 first paragraph).

b. Claim 5 is rejected with the rationale of claim 1. Claim 5 is claim 1 recited as a system. The modified method of Lee as applied to claim 1 above discloses a system (“...we have developed a face recognition system...” – Lee, page 8, paragraph 5)

c. Referring to claim 9, Lee discloses providing a neutral-face front head image and a side head image for generating an avatar (“...the face is in neutral expression...” – page 5, paragraph 1; Fig. 1.); automatically positioning nodes at feature locations on the front head image and the side head image (“...provide automatic feature points extraction method...we consider...points such as eyes, nose, lip eyebrows and ears as feature points...” – page 6, paragraph 1; Fig. 1); manually reviewing and correcting the node positions to remove artifacts and minimize distorted features in the avatar generated based on the node positions (“...interface for interactive correction if and when needed...” – page 6, paragraph 1; Fig. 1). Lee does not explicitly disclose automatically finding head feature locations on the front head image and the side head image using image analysis based on wavelet component values generated from wavelet

transformations of the respective neutral-face front head image and the side head image. Wiskott discloses automatically finding head feature locations on the front head image and the side head image using image analysis based on wavelet component values generated from wavelet transformations of the respective neutral-face front head image and the side head image (“...a jet is based on a wavelet transform...a jet is defined as the set...of 40 complex Gabor wavelet coefficients...the...FBG serves as a general representation of faces. Each stack of discs represent a jet....” – page 129, column 2, paragraph 2; Figure 2, caption). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Lee by automatically finding head feature locations using image analysis based on wavelet component values generated from wavelet transformations as taught by Wiskott. The suggestion/motivation for doing so would have been because using elastic bunch graph matching requires a general representation rather than models of individual faces (Wiskott, page 130, column 1, third full paragraph – column 2 first paragraph).

d. Referring to claim 13, Lee does not explicitly disclose the wavelet transformations use Gabor wavelets. Wiskott discloses the wavelet transformations use Gabor wavelets (“... faces are represented...by a Gabor wavelet transform...a jet is defined as the set...of 40 complex Gabor wavelet coefficients...”—Abstract page 129, column 2, paragraph 2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Lee having the wavelet transformations use Gabor wavelets as taught by Wiskott. The suggestion/motivation for doing so would have been because using elastic bunch graph matching requires a general

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representation rather than models of individual faces (Wiskott, page 130, column 1, third full paragraph – column 2 first paragraph).

3. Claims 2-4, 6-8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Wiskott as applied to claims 1, 5, and 9 above further in view of Thalmann et al., “Face to Virtual Face”.

a. Referring to claim 2, the modified method of Lee as applied to claim 1 above does not explicitly disclose applying an animation transform based on the corrected node positions for the neutral face. Thalmann discloses applying an animation transform based on the corrected node positions for the neutral face (“...the mask can be interactively adjusted...to reproduce the corresponding movements on the virtual face, a mapping is carried out from the tracked features to the appropriate MPA’s...for facial animation...” -- page 876, column 2, paragraph 1 – page 877, column 1, paragraph; Fig. 5). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to further modify the method of Lee by generating an animation transform based on the corrected node positions for the neutral face as taught by Thalmann. The suggestion/motivation for doing so would have been because it would allow the mimicking of the facial expression of the real person on his clone (Thalmann, page 877, column 1, paragraph 1 – column 2, paragraph 1).

c. Referring to claim 3, Lee does not explicitly disclose applying the animation transform to expression face avatar meshes for generating the avatar. Thalmann discloses applying the animation transform to expression face avatar meshes for generating the

avatar (Figure 7). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to further modify the method of Lee by applying the animation transform to expression face avatar meshes for generating the avatar as taught by Thalmann. The suggestion/motivation for doing so would have been because it would allow the mimicking of the facial expression of the real person on his clone (Thalmann, page 877, column 1, paragraph 1 – column 2, paragraph 1).

d. Referring to claim 4, Lee does not explicitly disclose applying the animation transform to morph targets. Thalmann discloses applying the animation transform to morph targets (“...a mapping carried out from the tracked features to the appropriate MPA’s...the allows us to mimic the facial expression of the real person...” – page 877, column 1, paragraph 1- column 2, paragraph 1; Fig. 7).

e. Claims 6-8 are rejected per claim 5 with the rationale of the rejection of claims 2-4 respectively.

f. Referring to claim 10, the modified method of Lee as applied to claim 9 above does not explicitly disclose applying an animation transform based on the corrected node positions for the neutral face. Thalmann discloses applying an animation transform based on the corrected node positions for the neutral face (“...the mask can be interactively adjusted...to reproduce the corresponding movements on the virtual face, a mapping is carried out from the tracked features to the appropriate MPA’s...for facial animation...” -- page 876, column 2, paragraph 1 – page 877, column 1, paragraph; Fig. 5). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to further modify the method of Lee by generating an animation transform based on

the corrected node positions for the neutral face as taught by Thalmann. The suggestion/motivation for doing so would have been because it would allow the mimicking of the facial expression of the real person on his clone (Thalmann, page 877, column 1, paragraph 1 – column 2, paragraph 1).

g. Referring to claim 11, Lee does not explicitly disclose applying the animation transform to expression face avatar meshes for generating the avatar. Thalmann discloses applying the animation transform to expression face avatar meshes for generating the avatar (Figure 7). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to further modify the method of Lee by applying the animation transform to expression face avatar meshes for generating the avatar as taught by Thalmann. The suggestion/motivation for doing so would have been because it would allow the mimicking of the facial expression of the real person on his clone (Thalmann, page 877, column 1, paragraph 1 – column 2, paragraph 1).

h. Referring to claim 12, Lee does not explicitly disclose applying the animation transform to morph targets. Thalmann discloses applying the animation transform to morph targets (“...a mapping carried out from the tracked features to the appropriate MPA’s...the allows us to mimic the facial expression of the real person...” – page 877, column 1, paragraph 1- column 2, paragraph 1; Fig. 7).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Linzy McCartney** whose telephone number is **(703) 605-0745**. The examiner can normally be reached on Mon-Friday (8:00AM-5: 30PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at **(703) 305-9798**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

ltm
July 9, 2003


MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600